

# JOURNAL OF THE SENATE OF THE NINTH LEGISLATURE REGULAR SESSION

Austin, Texas

Monday, November 4, 1861

This being the day prescribed by law for the assembling of the Legislature of the State of Texas, the Senate met at the Capitol at 11 o'clock A. M. when the following proceedings were had:

The Senate was called to order by Honorable R. H. Guinn, Mr. James F. Johnson acting as Secretary *pro tempore*. Mr. D. C. Burleson was appointed Sergeant-at-Arms *pro tempore*.

The roll of Senators being called by Districts, the following Senators appeared, presented their credentials, took the oath prescribed by the Constitution and their seats:

From District 1, composed of the counties of Galveston, Liberty, Jefferson, and Chambers—Rufus K. Hartley.

From District No. 2, Polk, Tyler, Jasper, Newton, and Hardin—A. F. Crawford.

From District No. 3, Angelina, Nacogdoches, and San Augustine—M. W. Wheeler.

From District No. 4, Sabine, Shelby, and Panola—Lewis F. Casey.

From District No. 5, Rusk—Jesse H. Parsons.

From District No. 7, Cass and Bowie—John W. Moore.

From District No. 8, Titus and Red River—William C. Batte.

From District No. 10, Cherokee—Robert H. Guinn.

From District No. 11, Houston, Anderson, and Trinity—John H. Burnett.

From District No. 12, Wood, Smith, and Van Zandt—B. T. Selman.

From District No. 13, Kaufman, Dallas, and Henderson—Jeff Weatherford.

From District No. 14, Fannin and Hunt—J. F. Crawford.

From District No. 16, Brazoria, Fort Bend, and Harris—A. N. Jordan.

From District No. 17, Montgomery, Grimes, and Walker

A. M. Branch

From District No. 18, Madison, Leon, Brazos, Robertson, and Burleson—John W. Durant.

From District No. 19, Limestone, Freestone, Navarro, and Ellis—John Boyd.

From District No. 20, Johnson, Tarrant, Erath, Parker, and Palo Pinto—A. T. Obenchain.

From District No. 21, Cooke, Denton, Wise, Montague, Jack, Young, Clay, Wichita, Archer, etc. (Wilbarger, Baylor, Throckmorton, Hardeman, Knox, Haskell, Buchanan, Shackelford, Jones)—Robert H. Graham

From District No. 22, Matagorda, Wharton, Colorado, and Fayette—John T. Harcourt.

From District No. 24, Calhoun, Jackson, Victoria, DeWitt, and Lavaca—George P. Finlay.

From District No. 25, Gonzales, Guadalupe, and Caldwell—S. H. Darden.

From District No. 26, Bastrop, Travis, and Hays—N. G. Shelley.

From District No. 27, Milam, Williamson, Burnet, Bell, and Lampasas—John N. Houston.

From District No. 28, Falls, Coryell, Bosque, McLennan, Comanche, Brown, and Hamilton, etc. (Ellis, Eastland, Callahan, Coleman, Taylor, Hill, Runnels)—George B. Erath.

From District No. 30, Bexar—N. A. Mitchell.

From District No. 31, Blanco, Comal, Bandera, Kerr, Gillespie, Llano, San Saba, Medina, Uvalde, etc. (McCulloch, Concho, Mason, Menard)—Erastus Reed.

From District No. 32, Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, and Duval—E. B. Scarborough.

The roll of Senators then being called for, the following Senators answered to their names: Messrs. Batte, Boyd, Branch, Burnett, Casey, Crawford of Fannin, Crawford of Jasper, Darden, Durant, Erath, Finlay, Graham, Guinn, Harcourt, Hartley, Houston, Jordan, Mitchell, Moore, Obenchain, Parsons, Reed, Scarborough, Selman, Shelley, Weatherford, and Wheeler—27.

A quorum being present, P. De Cordova, Notary Public for Travis County, administered the oath required by the Constitution to the Senators, and the Senate proceeded to the election of President **pro tempore**.

Mr. Parsons nominated Mr. Guinn. There being no other nomination Mr. Guinn on motion of Mr. Erath was declared unanimously elected.

Nominations for Secretary of the Senate being next in order Mr. Hartley nominated Mr. P. De Cordova. There being no other nomination Mr. De Cordova received

twenty-six votes and was declared duly and constitutionally elected.

The election of First Assistant Secretary being next in order Mr. Burnett nominated Mr. A. H. Castile. Mr. Erath nominated Mr. N. C. Raymond. Mr. Hartley nominated Mr. F. W. Girard. Messrs. Scarborough, Casey, and Hartley were appointed tellers. Mr. Castile received fifteen votes. Mr. Raymond received six votes. Mr. Girard received five votes. Mr. Castile having received a majority of all the votes cast was declared duly elected.

Mr. Parsons moved that the Senate adopt the rules of the last session. Mr. Crawford moved that the Senate go into the election of Second Assistant Secretary. On motion of Mr. Parsons the motion was laid on the table.

The Senate then proceeded to the election of a Sergeant-at-Arms. Mr. Parsons nominated Mr. D. C. Burleson. Mr. Houston nominated Mr. Hardemen. Mr. Boyd nominated Mr. I. M. Thomas. Mr. Burleson received 19 votes. Mr. Hardeman received 7 votes. Mr. Burleson having received a majority of all the votes cast was declared duly elected.

Mr. Crawford offered the following resolution: "**Resolved**, That the Sergeant-at-Arms act as Doorkeeper of the Senate without other compensation than he receives as Sergeant-at-Arms." Rejected. The Senate then proceeded to the election of Doorkeeper.

Mr. Selman nominated Mr. John W. Murphy. Mr. Graham nominated Mr. William H. Moore. Mr. Durant nominated Mr. William P. Rutledge. Mr. Boyd nominated Mr. E. S. Giles and Mr. H. McBryde. Mr. Scarborough nominated Mr. Carleton. On the first ballot Mr. Murphy received 11 votes, Mr. Moore 9 votes, Mr. Rutledge 4 votes, Mr. Giles 2 votes, and Mr. McBryde 1 vote. No one having received a majority of votes the Senate proceeded to a second ballot when Mr. Murphy received 12 votes, Mr. Moore received 9 votes, Mr. Rutledge 3 votes, Mr. Giles 1 vote, Mr. McBryde 1 vote, and Mr. Carleton 1 vote. No one candidate having received a majority of the votes, a third ballot was had when Mr. Murphy received 15 votes, Mr. Moore 11 votes, and Mr. Giles 1 vote, whereupon Mr. Murphy was declared duly elected. The election of Enrolling Clerk being next in order, Mr. Batte nominated Mr. Flavius Everett. There being no other nomination Mr. Everett received 25 votes and was declared duly elected. The Senate then proceeded to the election of an Engrossing Clerk. Mr. Batte nominated Mr. J. Q. St. Clair. Mr. Mitchell nominated Mr. Davis. On counting the ballot

Mr. St. Clair received 21 votes and Mr. Davis 6 votes. Mr. St. Clair was declared duly elected.

Mr. Erath moved that a committee of three be appointed to wait upon the Governor and inform him that the Senate was organized and ready to receive any communication he might have to make. Carried, and Messrs. Erath, Parsons, and Durant were appointed the committee. On motion of Mr. Parsons the same committee were to inform the House of Representatives that the Senate was organized and ready to proceed to business. The committee retired and after a short time reported duty performed and that the Governor would make a communication in a few days. The constitutional oath was administered by the President **pro tempore** to the Secretary, Assistant Secretary, Enrolling and Engrossing Clerks, Sergeant-at-Arms, and Doorkeeper. On motion of Mr. Scarborough the Senate adjourned until 10 o'clock tomorrow morning.

Tuesday, November 5, 1861  
10 o'clock A. M.

The Senate met pursuant to adjournment. Prayer by Rev. Mr. Thomas. Roll called. Quorum present. The journal of yesterday was read and adopted.

Mr. Erath offered the following resolution: "**Resolved**, That the Secretary of the Senate be authorized and requested to make arrangements with the Postmaster at the city of Austin to forward letters and papers for the members of the Senate to be paid out of the contingent fund of the Senate." Adopted.

Mr. Parsons offered the following resolution: "**Resolved**, That the Secretary be authorized to employ for the use of the Senate, two porters, whose pay shall not exceed one dollar per day each." Mr. Weatherford moved to strike out the word "two" and insert "one." Carried, and the resolution adopted.

A message was received from the House by their clerk, W. L. Chalmers, announcing the organization of the House and reporting the following list of officers elected by the House for the present session, viz.: Honorable C. W. Buckley, Speaker; W. L. Chalmers, Chief Clerk; W. M. Walton, First Assistant Clerk; E. M. Bacon, Enrolling Clerk; J. L. Garrison, Engrossing Clerk; William N. Hardeman, Sergeant-at-Arms; and J. L. Lovejoy, Doorkeeper.

The following resolution was received from the House: "**Resolved, by the House, the Senate concurring**: "That the two Houses meet in joint session at 12 o'clock A. M. tomorrow to count the vote for Governor and Lieutenant